



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Steve E. Koenck

Appln. No. : Unknown

10 624 319

Filed : July 22, 2003

Title : Method of Providing Extended Shelf Life  
Fresh Meat Products

Docket No. : M881.12-0016

Group Art Unit:  
Unknown

Examiner: Unknown

**PETITION TO CONSIDER CORRESPONDENCE  
NEVER RECEIVED AS FILED ON ITS USPS EXPRESS MAIL  
DEPOSIT DATE PURSUANT TO 37 C.F.R. §1.10(e)**

**SENT VIA EXPRESS MAIL**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Express Mail No.: EV 302259462 US

Sir:

Applicant has recently become aware that the Patent Office has not assessed a filing date or application number to the above-identified application and accompanying documents. Any correspondence received by the USPTO that was delivered by the "Express Mail Post Office to Addressee" will be considered filed with the USPTO on the date of deposit with the United States Postal Service. 37 C.F.R. § 1.10(a)(1). This correspondence was mailed via United States Express Mail having a date-in date of July 22, 2003 with correct postage and addressed Express Mail Post Office to Addressee. The \$375.00 check sent with the correspondence was cashed on July 28, 2003. However, no communication has been received from the USPTO acknowledging receipt of the above-identified application and accompanying documents. Therefore, pursuant to 37 C.F.R. §1.10(e) applicant petitions the Commissioner to receive the enclosed correspondence and assess a filing date for the above-identified application of July 22, 2003.

Applicant has enclosed the following documents with this petition:

- A true copy of the originally deposited correspondence showing the Express Mail mailing label thereon
- A copy of the Express Mail mailing label showing the date-in date of July 22, 2003
- Track & Confirm form

As can be seen from the copy of the postcard receipt originally sent, which identifies attorney docket number M881.12-0016, the correspondence contained the following: Utility Transmittal Sheet, Check in the Amount of \$375.00, Fee Transmittal Sheet (in duplicate), Application (45 pages), Drawings (21 pages), Declaration (3 pages), File Data Sheet, Information Disclosure Sheet. Copies of all of these documents are enclosed herewith.

A copy of the Express Mail mailing label with mailing number EV 302260412 US is also included, which identifies the attorney docket number M881.12-0016 for this correspondence. On the Utility Patent Application Transmittal form, the Express Mail mailing number of "EV302260412US" is referenced and just below where it is referenced the label is physically attached to the copy kept in the attorney file.

Further evidence showing that applicant did place the correspondence in the United States Postal Service is the enclosed track and confirm form. This document, available through the United States Postal Service, states that the item associated with Express Mail mailing label EV302260412US was delivered on July 23, 2003 in Arlington, VA to the Patent Office and was signed for by J. Stackel.

I state that all of the documents identified on the postcard (utility transmittal sheet, check in the amount of \$375.00, fee transmittal, application, drawings, declaration, file data sheet, and information disclosure sheet) were deposited as United States Express Mail on July 22, 2003. Further, I state that the correspondence documents and Express Mail mailing label enclosed with this petition are true copies of the correspondence and Express Mail mailing label originally mailed.

It is respectfully requested that the Commissioner receive the enclosed correspondence and assign a filing date to the above identified application and accompanying documents of July 22, 2003.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 11/6/03

By: 

Alan M. Koenck, Reg. No. 43,724  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1002  
Telephone: (612) 339-1863  
Fax: (612) 339-6580

AMK:TDA



EV 302260412 US

Customer Copy  
Label 11-F June 2002



UNITED STATES POSTAL SERVICE

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	53415	Day of Delivery	<input checked="" type="checkbox"/> Next	<input type="checkbox"/> Second	Flat Rate Envelope
Date in	7/22/03				
No. of Pieces	44	Time in	<input checked="" type="checkbox"/> 2 Noon	<input type="checkbox"/> 3 PM	Postage \$ 13.61
Weight	1 lb. 1 oz.	Military	<input type="checkbox"/> 2nd Day	<input type="checkbox"/> 3rd Day	Return Receipt Fee
No Delivery	<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials			Insurance Fee
METHOD OF PAYMENT					Total Postage \$ 13.61
Express Mail Corporate Act. No.					

DELIVERY (CUSTOMER USE ONLY)

Delivery Agent	One	Employee Signature
Delivery Address	MA	Employee Signature
Delivery Date	7/22/03	Employee Signature
Delivery Time	AM	Employee Signature
Delivery Day	11:30 AM	Employee Signature
Delivery No.	11:30 AM	Employee Signature
Delivery	NO DELIVERY	Customer Signature

Federal Agency/Act. No. or Postal Service Act. No.

FROM: (PLEASE PRINT)

Alan M. Koenck  
KINNEY & LANGE PA  
THE KINNEY & LANGE BUILDING  
312 S 3RD ST STE 120  
MINNEAPOLIS MN 55415-1024  
M881.12-0016

AMK:amin

TO: (PLEASE PRINT)

TMS Patent Application  
COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA VA 22313-1450

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## Track & Confirm

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Receipt is hereby acknowledged by the Commissioner  
of Patents of the following items in the patent application of:

Applicant : Steven E. Koenck et al.  
Title : METHOD OF PROVIDING EXTENDED  
SHELF LIFE FRESH MEAT PRODUCTS  
Docket No. : M881.12-0016

1. Utility Transmittal Sheet
2. Check in the Amount of \$375.00
4. Fee Transmittal Sheet (In duplicate)
5. Application (45 pages)
6. Drawings (21 pages)
7. Declaration (3 pages)
8. File Data Sheet
9. Information Disclosure Statement (no references)

AMK:amh

July 22, 2003



UTILITY  
PATENT APPLICATION  
TRANSMITTAL

Our Docket No.: M881.12-0016

Date: July 22, 2003

First Named Inventor: Steven E. Koenck

Title: METHOD OF PROVIDING EXTENDED SHELF LIFE  
FRESH MEAT PRODUCTS

Express Mail No.: EV 302260412 US

EV302260412US

APPLICATION ELEMENTS

ADDRESS TO:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Calculation Sheet  
(Submit an original and a duplicate for fee processing)

2. ☒ Applicant claims small entity status

3. ☒ Specification Total Pages **[45]**

- Descriptive title of the invention
- Cross References to Related Applications
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claims
- Abstract of the Disclosure

4. ☒ Drawings (35 U.S.C. 113)

Total Sheets **[21]**

5. ☒ Oath or Declaration

Total Pages **[3]**

- a. ☒ Newly Executed (original or copy)
- b. ☐ Copy from a prior application (37 C.F.R. 1.63(d) - for continuation/divisional with Box 18 completed)

[Mark Box 5 below]

i. ☐ **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b)

6. ☒ Application Data Sheet. See 37 CFR 1.76.

- 7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
- 8. Nucleotide and/or Amino Acid Sequence Submission (*If applicable, all necessary*)
  - a. ☐ Computer Readable Copy (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies; or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identify of above copies

ACCOMPANYING APPLICATION PARTS

- 9. ☐ Assignment Papers (cover sheet & document(s))
- 10. ☐ 37 C.F.R. 3.73(b) Submission
- ☐ Power of Attorney
- 11. ☐ English Translation Document (*if applicable*)
- 12. ☒ Information Disclosure Statement with copies of Citations as necessary
- 13. ☐ Preliminary Amendment Total Pages **[ ]**
- 14. ☒ Return Receipt Postcard (*Should be specifically itemized*)
- 15. ☐ Certified Copy of Priority document(s) (*If foreign priority is claimed*)
- 16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Application must attach form PTO/SB/35 or its equivalent
- 17. ☐ Other

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Division ☒ Continuation-in-part (CIP) of prior Application No. 10/115,507

Prior Application Information: Examiner            Group Art Unit 2878

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

ATTY NAME  
AND REG. NO.

Alan M. Koenck

43,724

SIGNATURE:

ADDRESS

Kinney & Lange, P.A.  
THE KINNEY & LANGE BUILDING  
312 South Third Street  
Minneapolis, MN 55415-1002

TELEPHONE

(612) 339-1863

FAX: (612) 339-6580

**KINNEY & LANGE**

A PROFESSIONAL ASSOCIATION

1078

Director of the U.S. PTO

07/22/2003

1703925

Inv.Date Inv.No. Matter I.D. Invoice Description  
07-22-03 AMK:amh M881-012016

Code Amount  
PT01 375.00

Requested by: amh

Total: \$375.00

**KINNEY  
& LANGE**  
A PROFESSIONAL ASSOCIATION

THE KINNEY & LANGE BUILDING  
312 SOUTH 3RD STREET  
MINNEAPOLIS, MINNESOTA 55415-1002  
(612) 339-1863

USBANK  
172-910

1703925

1703925

Three Hundred Seventy-Five and No/100 Dollars

DATE

AMOUNT

PAY  
TO THE  
ORDER  
OF

Director of the U.S. PTO

07/22/2003

\$375.00

⑈1703925⑈ ⑆091000022⑆ 160234418244⑈

Security Features Included Details on back





## FEE TRANSMITTAL

Total Amount of Payment \$375.00

## METHOD OF PAYMENT (Check One)

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account No.11-0982. Deposit Account Name: Kinney & Lange, P.A. A duplicate copy of this communication is enclosed

2. ☒ Check Enclosed

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1001	750	2001	375	<input checked="" type="checkbox"/> Utility Filing Fee
1006	330	2006	165	<input type="checkbox"/> Design Filing Fee
1004	750	2004	375	<input type="checkbox"/> Reissue Filing Fee
1005	160	2005	80	<input type="checkbox"/> Prov. Filing Fee

Subtotal (1) \$375.00

## 2. EXTRA CLAIM FEES

	Number Claims	Prior	Extra	Fee from Below	Fee Paid
Total	<u>17</u>	-	<u>20</u>	= <u>0</u> x <u>0</u> =	<u>0</u>
Indep.	<u>1</u>	-	<u>3</u>	= <u>0</u> x <u>0</u> =	<u>0</u>

Multiple Dependent Claims

Insert 3 and 20, or number previously paid if greater; Reissue see below

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple Dependent Claim
1204	84	2204	42	Reissue Independent Claims Over Original Patent
1205	18	2205	9	Reissue claims in excess of 20 and over original patent

Subtotal (2) \$-0-

Complete if Known

Application No.

Filing Date

First Named Inventor

Group Art Unit

Examiner Name

Herewith

Steven E. Koenck

Atty. Docket Number

M881.12-0016

## FEE CALCULATION (Continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee paid
1051	130	2051	65	Surcharge - Late filing fee or oath	—
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	—
1053	130	1053	130	Non-English specification	—
1812	2,520	1812	2,520	For Filing a Request for Reexamination	—
1251	110	2251	55	Extension for reply within first month	—
1252	410	2252	205	Extension for reply within second month	—
1253	930	2253	465	Extension for reply within third month	—
1254	1,450	2254	725	Extension for reply within fourth month	—
1255	1,970	2255	985	Extension for reply within fifth month	—
1402	320	2402	160	Filing a brief in support of an appeal	—
1403	280	2403	140	Request for oral hearing	—
1814	110	2814	55	Terminal Disclaimer Fee	—
1452	110	2452	55	Petition to revive - unavoidable	—
1453	1,300	2453	650	Petition to revive - unintentional	—
1501	1,300	2501	650	Utility/Reissue issue fee	—
1502	470	2502	235	Design issue fee	—
1460	130	1460	130	Petitions to the Commissioner	—
1807	50	1807	50	Petitions related to provisional applications	—
1806	180	1806	180	Submission of Information Disclosure Statement	—
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	—
1801	750	2801	375	Request for Continued Examination (RCE)	—

Other fee (specify) \_\_\_\_\_

Subtotal (3) \$-0-

Signature

Alan M. Koenck

Date

July 22, 2003

Reg. No.

43,724

Deposit Account No.

11-0982